

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JUNE 7, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk), Sally Angers (Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (CFO), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation), Melanie Lewis (Community Development Director), Gerald Boudreaux (Parks Director)

COMMENCEMENT

(TAPE 1)(SIDE A)(169) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of June 7, 2005 to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Bruce Conque to give the invocation and then lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(196) AGENDA ITEM NO. 3: EXECUTIVE /PRESIDENT'S REPORT

President Durel recognized Matt McGoffin who is working on his merit badge in Communications for the Boy Scouts.

President Durel then called on Lynn Guidry to make a presentation on Rebuild Lafayette North. Mr. Guidry presented a resolution from the committee to Rebuild Lafayette North in support of "Fiber to the Home" and request that voters vote yes on July 16, 2005.

President Durel thanked Mr. Guidry and Rebuild Lafayette North and stated that there has not been one single organized citizen's group that has not come out in favor of "Fiber to the Home"

(TAPE 1)(SIDE A)(239) AGENDA ITEM NO. 4: COUNCIL ANNOUNCEMENTS

Williams stated that the Council will be going into executive session tonight and requested that it go on the record that he had requested an executive session on personnel issues on two different occasions that were denied.

Following the meeting, the Chair requested that the following chronology be made a part of the minutes.

On December 20, 2004, the Chair sent an e-mail to Williams requesting a return call concerning the request made of the Clerk to have an executive session regarding Council personnel matters. That call was not returned.

On March 3, 2005, Williams made a request for an executive session at the next meeting by handwritten note on Clerk's communication to Williams with information previously requested by him on listing of applicants and written and typing scores.

On April 8, 2005, a request was made by Williams (through the VoiceWriter) to the Clerk requesting an executive session stating it was a second request he had made. A memo followed

on same date from Chair to Williams stating that based on non-information, an executive session would be both unnecessary and unwarranted. On April 14, 2005, Williams responded by memo stating the session would be about concerns of the hiring process and the role Menard played in the hire. Menard responded on April 14, 2005 to Williams stating the Clerk had forwarded a response to the applicant which was self-explanatory and the request was denied by Chair.

Benjamin requested a monthly report on disbursements to any council member or council district beginning with the month of June.

RESOLUTIONS

(TAPE 1)(SIDE A)(272) AGENDA ITEM NO. 5: R-045-2005 A resolution of the Lafayette City-Parish Council concurring with contractual employment by the Lafayette Parish School Board of the auditing firms of Acadian Professional Services, Broussard Partners & Associates, and Gary W. Lambert and Company for audit of taxpayer compliance with local sales and use tax laws, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Mouton

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE A)(285) AGENDA ITEM NO. 6: R-046-2005 A resolution of the Lafayette City-Parish Council designating The Daily Advertiser as the Official Journal for the Lafayette City-Parish Consolidated Government for one year commencing July 1, 2005, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Stevenson

NAYS: Benjamin, Menard

ABSENT: Mouton

ABSTAIN: None

Motion was approved.

Before the voting took place on the original motion, a substitute motion was offered by Benjamin, seconded by Williams to designate The Southern Consumer Times as the Official Journal for the Lafayette City-Parish Consolidated Government for one year commencing July 1, 2005, and the vote was as follows:

YEAS: Williams, Benjamin, Menard

NAYS: Badeaux, Bourgeois, Broussard, Conque, Stevenson

ABSENT: Mouton

ABSTAIN: None

Motion failed.

(TAPE 1)(SIDE A)(307) AGENDA ITEM NO. 7: R-047-2005 A resolution of the Lafayette City-Parish Council authorizing the filing of an application with the State of Louisiana for a grant under the Governor's Safe and Drug-Free Schools and Communities Act to operate within the Office of Criminal Justice Support Services/Court Services, motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Mouton

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE A)(331) AGENDA ITEM NO. 8: R-048-2005 A resolution of the Lafayette City-Parish Council officially designating the City Garden Market at River Ranch as a recognized Louisiana festival or fair as provided for by Louisiana R.S. 40:4.5 and Title 51, Part XXIII of the Louisiana Administrative Code, motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Bourgeois, Broussard, Conque, Stevenson, Menard

NAYS: Williams, Benjamin

ABSENT: Badeaux, Mouton

ABSTAIN: None

Motion was approved.

Upon questioning by Menard, Stanley stated that LCG received a request from the applicant to designate the City Garden Market as a Louisiana Fair and Outdoor Market. He said it is modeled after the Farmer's Market in New Orleans. Since it will not be a daily occurrence, the market will be exempt from the Parish Health Code requirements but will have to follow all other ordinances and regulations of Lafayette Consolidated Government.

Ottinger opined that under the Department of Health and Hospitals, a fair that is recognized by the Governing Authority would be exempt from certain health requirements but will not be exempt from any other requirements.

Upon questioning by Williams, Stanley stated that this event would be opened to the public. He said that LCG would not be opposed for other groups to request the same designation with the understanding that all requirements would have to be followed.

Leslie Barton, spokesperson for the City Garden Market, stated that she was a participant at the New Orleans Farmer's Market, and that there is a need for this type of market in Lafayette. She said that there will be some prepared foods, such as jams, jellies, preserves, etc., but the main focus is an outlet for farmers to sell their produce. The event will be held weekly except for approximately four months. Barton also said that the Lafayette Parish Health Unit is the agency that told her to go through this process.

Upon further questioning by Williams, Stanley said that the vendor's downtown would not be considered the same because their business is not a temporary business but a daily business.

Upon questioning by Bourgeois, Stanley said that the Parish Health Unit should monitor any regulations on the preparation of food products or refrigeration.

Upon questioning by Benjamin, Ottinger stated that this is a temporary permit situation whereas the downtown situation is a daily event.

(TAPE 1)(SIDE A)(622) **EXECUTIVE SESSION**

AGENDA ITEM NO. 9: Nugier Perrodin V. Lafayette City-Parish Consolidated Government, Office of Workers Compensation, Docket No. 02-04337; District 04, Risk Management Claim #: 00020000-001. Motion by Bourgeois, seconded by Conque, to go into executive session (6:00 pm), and the vote was as follows:

YEAS: Bourgeois, Broussard, Conque, Stevenson, Menard

NAYS: Williams, Benjamin

ABSENT: Badeaux, Mouton

ABSTAIN: None

Motion was approved.

Motion by Stevenson, seconded by Bourgeois, to resume regular session (6:15 pm), and the vote was as follows:

YEAS: Bourgeois, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Badeaux, Williams, Benjamin, Mouton

Motion was unanimously approved.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(651) **AGENDA ITEM NO. 10: O-134-2005** An ordinance of the Lafayette City-Parish Council amending Ordinance No. O-179-2005 which adopted the Multi-Year Capital Improvement Program commencing with Fiscal Year 2004-05 by rebudgeting \$3,000,000 in bonds to be sold in FY 05/06, motion to adopt by Broussard, seconded by Williams, and the vote was as follows:

YEAS: Williams, Benjamin

NAYS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion failed.

Benjamin stated that the I-10 frontage road issue is about economics, equity and quality of life for the metro area of Lafayette and asked the Council to support this because this issue will not go away.

Williams concurred with Benjamin and thanked him for bringing the issue to the forefront and that there is no doubt that this money should be spent on frontage roads. He said that the reason it hasn't is because of a majority vote of the Council that does not allow the most needy project to move forward but allows the one that is most politically expedient.

Persons speaking on Agenda Item 10 were:

John W. Milton stated that he wholeheartedly supports this ordinance and asked the Council to do the same. He said that this infrastructure would allow for economic growth, jobs, and to show that a viable community exists on the Northside.

Lewis C. Kellogg stated that frontage roads generally service the people in the town not the people that are traveling through Lafayette.

Jeffery Landry signed up in support of the ordinance but did not wish to speak.

(TAPE 1)(SIDE B)(202) AGENDA ITEM NO. 11: O-135-2005 An ordinance of the Lafayette City-Parish Council repealing Ordinance Nos. O-229-2001 and O-338-2003 - 2, motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Benjamin, Broussard

NAYS: Badeaux, Bourgeois, Williams, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion failed.

Person speaking on Agenda Item 11 was Lewis C. Kellogg who stated that he supports getting rid of an ordinance that will restrict the government from moving forward whenever there is a project that should be done.

(TAPE 1)(SIDE B)(256) AGENDA ITEM NO. 12: O-136-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by recognizing \$12,500 new revenues each from the 15th Judicial District Judges, the 15th Judicial District Attorney, the Lafayette Parish Clerk of Court and the Lafayette Parish Communications District and increasing the Lafayette Parish Courthouse Improvement project, including but not limited to the parish courthouse building, parish governmental building at 1010 Lafayette Street, and the old federal courthouse building located at Jefferson Street and Main Street by \$50,000 within the Department of Public Works for additional funding needed, motion to adopt by Bourgeois, seconded by Badeaux, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux, Broussard

ABSENT: None

ABSTAIN: None

Motion was approved.

Before the voting on the motion to adopt Ordinance No. O-136-2005 took place, Broussard offered an amendment, to make the share for each entity to be \$20,000 each. There were no objections from the maker or the second on the amendment.

Williams then offered a motion, seconded by Conque, to return back to the original motion with the original amounts before the maker and the second accepted Broussard's amendment, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Conque, Stevenson, Menard

NAYS: Badeaux, Broussard, Mouton

ABSENT: None

ABSTAIN: None

Motion was approved

Broussard offered a motion that LCG's portion be set at \$20,000, however, no second was offered.

Stanley, along with Becky Lalumia and Pat Logan, gave a power point presentation, which was requested by Lenwood Broussard, providing a history on the courthouse project. He said that the ordinance will allow the acceptance of 50% of the cost for the study from the occupants of the

building and the other 50 % (\$50,000) from LCG which is already budgeted. He said that this study would provide the information necessary to make the right decisions on how to renovate the buildings should funds be available.

Larry Broussard, Project Coordinator, stated that the firm of Justice Planning Associates is one of twelve nationally recognized firms that deal specifically with the evaluation of the operations of courthouses, their needs based on current requirements for up to thirty years into the future.

Judge Marilyn Castle said that she was able to go to Nashville, who used Justice Planning Associates to do their planning and they are very satisfied with their recommendations. She asked the Council to support the funding for this study.

Upon questioning by Badeaux, Stanley stated that the recommendation for the firm to do the study went to the Professional Services Review Committee and was approved by the committee. He said that even though they could have awarded the contract at that time because funds are budgeted, they chose to withhold that to determine if the Council would accept the funding from the other partners. Stanley stated that the firm would be hired only to do the plan, not to do any architectural, engineering or construction work.

Mouton opined that he feels that they are putting the cart before the horse but if funded tonight, they must live within the parameters of what the study produces. He said he could support the ordinance if the plan that comes from Justice Planning be abided by for the next 36 to 48 months. Mouton also requested that any expenditure on the courthouse complex, excluding routine maintenance, that have to be brought before the professional services committee, be brought before the Council instead.

Stanley stated that there are no plans at this time to spend any funds outside of routine maintenance.

Broussard opined that he is not against the study but the bottom line issue is that there are no funds to start any kind of construction.

Upon questioning by Bourgeois, Judge Castle stated that she is not sure how many scenarios Justice Planning will come up with. She said that there will be some options with realistic assessments of what those options will bring.

Stanley opined that the Council will eventually have to decide what will be built or renovated for the money that is on hand, or continue to maintain the buildings, or do a millage. He stated that this is a decision that will have to be made collectively with all parties and the study from this firm will help get to that point.

Benjamin said he would support this ordinance but would like for the plan to have budgetary information with an approximate cost and a timeline of implementation. He also suggested that all parties put up equal amounts for the study.

Upon questioning by Williams, Stanley said that if State funding is not available, LCG would have to search for another revenue source which would require approval of the voters.

Upon questioning by Mouton, architect Lynn Guidry stated that before a problem can be solved, you must know what the problem is and a firm like Justice Planning understands the problems universally so much better than those who have never done renovations to a courthouse of this size.

Upon questioning by Mouton, Engineer Ray Desormeaux stated that his understanding of the capabilities of Justice Planning Associates is to assess each of the various functions in the Courthouse and decide how those functions might work best, how they inter-relate with one another and what their requirements for spatial needs are. This would allow the local consultants, who will ultimately be selected for this project, to take the information from the plan and put it together.

Badeaux opined that the logical thing to do would be to get the revenues together, find out how much LCG really has to spend, and then call in the agencies and see what can be done with those dollars.

(TAPE 2)(SIDE B)(74) Persons speaking on the ordinance were:

Susan Holliday, Executive Director of the Lafayette Bar Association, urged the Council to support this study. She stated that the conditions in the courthouse are deplorable.

David Calogero spoke in support of the ordinance stating that it shows that LCG has good faith partners since they are willing to put up funds for the study and would be money well spent.

Gary McGoffin, Attorney, stated that the study would allow LCG to make the pitch to the state when asking for funding and asked for the Council to support the ordinance because it would well serve the community.

(TAPE 2)(SIDE B)(278) AGENDA ITEM NO. 13: O-137-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$812,190 for revenues received from bond refunding escrow proceeds and appropriating same to City street overlay, motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Stevenson

NAYS: None

ABSENT: Broussard, Mouton, Menard

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Williams, Lalumia said that there are three consecutive ordinances that go together and the first one recognizes the \$812,190 in excess funds that came out of the refinancing of a bond issue and budgets those funds to the street overlay program.

Upon questioning by Benjamin, Pat Logan stated that the Ancelet Project was bid out today and will come out of the current funds budgeted for street overlay.

Speaker on this agenda item was John Milton who stated that, in protest of the vote on Agenda Item No. 10, he did not wish to speak..

(TAPE 2)(SIDE B)(353) AGENDA ITEM NO. 14: O-138-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring excess funds in the City Street Overlay to Council Reserve, motion to adopt by Conque, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Stevenson

NAYS: None

ABSENT: Broussard, Mouton, Menard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE B)(364) AGENDA ITEM NO. 15: O-139-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$812,190 from Council Reserve to frontage road projects and acquisition of police vehicles, motion to adopt by Bourgeois, seconded by Williams, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson

NAYS: Badeaux, Menard

ABSENT: Broussard

ABSTAIN: None

Motion was approved.

Before the voting took place on Ordinance O-139-2005 the following amendments were offered:

Motion by Badeaux, seconded by Mouton, to transfer all of the \$812,190 from Council Reserve to the acquisition of police vehicles, and the vote was as follows:

YEAS: Badeaux, Mouton, Menard

NAYS: Bourgeois, Williams, Benjamin, Conque, Stevenson

ABSENT: Broussard

ABSTAIN: None

Motion failed

Motion by Benjamin, seconded by Williams, to transfer all of the \$812,190 from Council Reserve to frontage road projects, and the vote was as follows:

YEAS: Williams, Benjamin

NAYS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

ABSENT: Broussard

ABSTAIN: None

Motion failed.

Upon questioning by Badeaux, Lalumia stated that one-half of the funds could purchase approximately 12 - 13 marked, fully equipped police vehicles and the police department has requested twenty to thirty vehicles in the past.

Badeaux opined that if the Council funded all of the \$812,190 to fund the purchase of police cars, LCG could technically purchase all of the requested police vehicles.

Williams stated that Badeaux's proposed amendment, seconded by Mouton, to dedicate all of the funds to police vehicles, would strip the frontage roads of its funding. He then accused Mouton of stealing the money for frontage roads to put towards Verot School Road. Williams also asked the Council to approve the recommendation of the administration which is to split the funding between frontage roads and police vehicles.

Benjamin opined that "Where there's no justice, there's no peace" and there will be turmoil on the Council.

Upon questioning by Stevenson, Logan stated that approximately \$150,000 would cover the shortfall for acquiring the rights-of-way on the south side of I-10 between North St. Antoine and Martin Luther King Drive. The other \$250,000 would be for preliminary design on the south side of I-10 between I-49 and Louisiana Avenue.

Badeaux opined that the police patrol all parts of Lafayette so what better way to spend the funds than to buy the police vehicles that are so badly needed. He also stated the vehicles were proposed by the prior police chief also, and Chief Hundley agreed.

Mouton stated one of the surveys done by one of the newspapers indicated that District 3, Williams' district, used 34% of city funding and public works dollars.

Person speaking on this agenda item was John Milton who stated that the motion to dedicate all of the funds to police vehicles is atrocious. He stated that to buy \$800,000 in police vehicles that don't even go out of the city limits is ridiculous. Milton then accused Badeaux of showing his "horns" tonight.

(TAPE 3)(SIDE B)(90) AGENDA ITEM NO. 16: O-140-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$965.00 from Utilities completed Special Equipment work orders to Council Reserve for the first quarter of FY 04/05, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard, Conque

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(101) AGENDA ITEM NO. 17: O-141-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$26,259 from various completed capital work orders of the first quarter of FY 04/05. motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard, Conque

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(112) AGENDA ITEM NO. 18: O-142-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish

Consolidated Government by transferring \$30,000 from 04 Tools and Equipment to Generators-2 account within the Fire Department for funding needed, motion to adopt by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard, Conque

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(121) AGENDA ITEM NO. 19: O-143-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by amending the manning tables of the Public Works Department – Capital Improvements Division – Estimates and Administration to reclassify the PW Budget Officer to Departmental Budget Analyst pending approval by Civil Service and transferring \$4,252 from personnel related costs to Council Reserve, motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Mouton, Logan said the former Budget Officer is retiring and that position will be downgraded to a lower position at a cost savings of \$4,000 for the remainder of this year and a \$16,000 savings for the following years.

(TAPE 3)(SIDE B)(145) AGENDA ITEM NO. 20: O-144-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$43,528 from Debaillon Coulee – Ph II Project to Reserve – Drainage, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(154) AGENDA ITEM NO. 21: O-145-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$100,000 from Reserve – Drainage to Oak Coulee Project within the Department of Public Works for additional funding needed, motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(163) AGENDA ITEM NO. 22: O-146-2005 An ordinance of the Lafayette City-Parish Council declaring the Landry Road Widening Project a public necessity and authorizing the acquisition of the necessary land, rights-of-way, immovable property, servitudes and other property rights requisite to the construction of said project, either on an amicable basis or through the use of the expropriation process if necessary, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(174) AGENDA ITEM NO. 23: O-147-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$111,757 from Kaliste Saloom Frontage – Phase I (Settler's Trace) Project to Reserve – Streets, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(184) AGENDA ITEM NO. 24: O-148-2005 An ordinance of the Lafayette City-Parish Council authorizing early termination of a non-exclusive franchise agreement with Acadiana Bottling Company, Inc. concerning bus stop benches and advertising, motion to adopt by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was approved.

Upon questioning by Bourgeois, Tramel stated that adoption of this ordinance would allow the termination of a contract with Acadiana Bottling for the bus stop benches. He said that Acadiana Bottling owns the approximately 50 benches and would like to donate them to LCG. Tramel said that the benches cost about \$700 each and if LCG decided to keep them, resources would be needed for the maintenance. He also informed the Council that another vendor has been contacted about providing the same service as Acadiana Bottling but a response has not been received yet.

Upon questioning by Stevenson, Tramel stated that he does not know how the transfer of the benches would take place or if another vendor could take over the benches. He said that he would recommend that LCG accept the cancellation of the contract but not accept the donation of the benches and if agreed to this, Acadiana Bottling would be responsible for their removal.

Upon questioning by Stevenson, Ottinger said that the LCG could not take the donated benches and then turn around and give them to another vendor. He said that there is the possibility of a cooperative endeavor agreement.

Upon questioning by Badeaux, Ottinger stated that LCG could accept the donation of the benches and then receive quotes from other vendors to take over the benches and provide the same service as Acadiana Bottling.

Upon questioning by Conque, Bouy said the advertising on the benches is exempt under the off premise advertising ban in the zoning ordinance.

Upon questioning by Menard, Tramel stated that the present contract ends in February, 2006 and the ordinance would allow the Mayor-President to terminate the contract.

Upon questioning by Conque, Tramel stated that the obligation of Acadiana Bottling is to maintain the property until the end of the contract and to pay LCG a minimum of \$3,000 annually. He said that the administration would work out the particulars should the Council approve the ordinance to allow the early termination of the contract.

(TAPE 3)(SIDE B)(500) AGENDA ITEM NO. 25: O-149-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by adjusting the manning tables and corresponding budgetary accounts for a reorganization within the Transmission and Distribution Division and Energy Control Division of the Department of Utilities, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(522) AGENDA ITEM NO. 26: O-150-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of the utility niches on Lots C-105 and C-107 in Phase II of the Village of River Ranch, having municipal addresses of 611 Richland Avenue and 613 Richland Avenue, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Williams, Benjamin, Broussard
ABSTAIN: None
Motion was unanimously approved.

(TAPE 4)(SIDE A)(004) AGENDA ITEM NO. 27: O-151-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement on Lot 2 of Maxim P. Soulier et al Subdivision and the unplatted property of Maxim P. Soulier et al, having municipal addresses of 2207 Kaliste Saloom Road and the 100 block of East Martial Avenue, motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Williams, Benjamin, Broussard
ABSTAIN: None
Motion was unanimously approved.

(TAPE 4)(SIDE A)(017) AGENDA ITEM NO. 28: ANNOUNCEMENT OF VACANCY ON BOARDS & COMMISSIONS

Due to a term expiration, a vacancy will exist on the Board of Zoning Adjustment for a five-year term effective June 30, 2005. (Must reside within the corporate limits of the City of Lafayette)

Chair Menard announced that the appointment to the Board of Zoning Adjustment must also be a minority.

Due to a term expiration, a vacancy will exist on the Lafayette Preservation Commission for a four-year term effective July 1, 2005.

Due to a term expiration, a vacancy will exist on the Lafayette Preservation Commission for a four-year term effective July 1, 2005. (This appointee must be an architect)

Due to a resignation, a vacancy will exist on the Atchafalaya Trace Commission for an unexpired term until November 16, 2005.

A vacancy exists on the Lafayette Airport Commission for an unexpired term until November 4, 2005. (Must reside outside the corporate limits of any municipality in the Parish of Lafayette)

Individuals wishing to volunteer for the above vacancies must be a registered voter and resident of Lafayette Parish. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, June 20 with Council appointments to be made on June 21, 2005.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 4)(SIDE A)(029) AGENDA ITEM NO. 29: Appointment(s) by Council member(s) and/or City-Parish President and/or area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name and Address</u>	<u>Board,Commission and/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
C-P President	Marcus Bruno 212 Noble St. Lafayette, LA 70506	Taxicab Control Board	4 years	06/04/2005
C-P President	Edmond C. Mouton, Jr. 114 Louise Drive Lafayette, LA 70506	Lafayette Parish Bayou Vermilion District	4 years	06/17/2005

INTRODUCTORY ORDINANCES – ZONING

(TAPE 4)(SIDE A)(037)AGENDA ITEMS NO. 30 - 59: A motion was offered by Mouton, seconded by Stevenson, to approve the following ordinances (No. O-152-2005 through O-181-2005) for introduction, in-globo, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard
NAYS: None

ABSENT: Williams, Benjamin, Broussard

ABSTAIN: None

Motion was unanimously approved.

30. O-152-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, Case No. ZON2005-002 Public Transit Advertising Text Change, to permit the Night Owl Transit Service to attach off-premise advertising signs to its buses, and to define and prohibit mobile billboards.
31. O-153-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Jeray, Inc., Case No. ZON 2005-012 Deraney Place Property Rezoning, located generally east of South College Road and south of Myrtle Street, from B-1-0 (Business Office-Special) to R-2 (Multi-Family Residential).
32. O-154-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the Official Map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. ZON2005-14 Tolson Oaks Annexation (Lots 1-22), located generally north of Tolson Road and South of Darbonne Road, which is located within Lafayette City-Parish Council District No. 7 for voting purposes, and assigning a zoning classification of R-1-A (Single-Family Residential).

INTRODUCTORY ORDINANCES

33. O-155-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenue and expenditure line items in Fund 268 (Criminal Court Fund) for the continued distribution of contempt of court fines in the 15th Judicial District Court.
34. O-156-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$17,883.00 received from the United States Treasury, U.S. Marshal's Office and the Department of Justice and appropriating same within the Lafayette City Police Department, Administration Division to be used for the purchase of a police vehicle.
35. O-157-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by returning to the Council's CIP Fund Reserve \$90,866.00 from the "Building Expansion" work order due to bid cost being in excess of funding.
36. O-158-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government transferring \$90,866.00 from the Council's CIP Reserve to various accounts within the Animal Control Section of the Services Division within the Lafayette Police Department for additional funding needed.
37. O-159-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$761.00 received from interest earned on the investment of FY 04/05 Local Law Enforcement Block Grant funds (LLEBG) and appropriating the same within the Lafayette Police Department's Law Enf-LLEBG 04-LB-BX-1034 work order.
38. O-160-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$4,876 from Nezida/Hwy 93 Turn Lanes Project to Reserve - Streets.
39. O-161-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$62,356 from the Ambassador Caffery Noise Abatement Project to Reserve - Streets.
40. O-162-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$13,772 from St. John Street Reconstruction Project to Reserve - Streets.

41. O-163-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$212,244 from I-10 Frontage Rds-SW University to Ambassador Caffery Project to Reserve – Streets.
42. O-164-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$100,000 from Reserve – Streets to Frontage Road Study Project within the Department of Public Works for additional funding needed.
43. O-165-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$32,000 from Reserve – Streets to W. Butcher Switch Road/N. University Turn Lanes Project within the Department of Public Works for additional funding needed.
44. O-166-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$14,501 from Dupuis/Acorn Drainage Project to Reserve - Drainage.
45. O-167-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$120,000 from N. Hillary Drive Drainage Improvements Project to Reserve - Drainage.
46. O-168-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$125,023 from Kim Drive Drainage Project to Reserve.
47. O-169-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$100,000 from Reserve to Oak Coulee Project within the Department of Public Works for additional funding needed.
48. O-170-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$224,452 from Hanes/Ancelet Drainage Project to Reserve.
49. O-171-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$31,000 from Council Reserve and appropriating within the Traffic and Transportation Department to provide for the purchase and installation of traffic calming devices for the Antigua Drive/Alice Drive/Grand Avenue Traffic Calming Project.
50. O-172-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to reflect a decrease in revenues in the amount of \$299,410 from the State of Louisiana, Department of Transportation and Development, Transportation Enhancement Grant, and from the University of Louisiana at Lafayette for the Transportation Museum Project.
51. O-173-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the University of Louisiana at Lafayette concerning the asphalt patching, overlay and striping of certain parking areas and drives in the vicinity of Cajun Field.
52. O-174-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the Judges of the Fifteenth Judicial District Court for the provision of group health insurance benefits to the Lafayette Parish employees of the Judges of the Fifteenth Judicial District Court.
53. O-175-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a drainage servitude on Lot 7 in Extension No. 1 of Victoria Village, having a municipal address of 601 Rain Tree Trail.
54. O-176-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the City of

Carencro, Louisiana concerning the donation by the City of Carencro of four acres of property in Carencro to the Lafayette City-Parish Consolidated Government for the purpose of building and operating a Public Library.

55. O-177-2005 An ordinance of the Lafayette City-Parish Council amending the Public Service Contract and Joint Cooperative Endeavor Agreement entered into by the Lafayette City-Parish Consolidated Government and the Acadiana Symphony Association.
56. O-178-2005 An ordinance of the Lafayette City-Parish Council amending Chapter 18, "Businesses," to add Article I, "General," which shall consist of Sections 18-1 through 18-2 as presently stated therein, and Sections 18-3 through 18-20, which shall be added thereto as "Reserved," and further to add Article II, "Bingo Halls," Sections 18-11 through 18-13 of the Lafayette City-Parish Consolidated Government Code of Ordinances regulating Charitable Bingo Halls.
57. O-179-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 42, Article I and by adding Section 42-2 addressing the subject of "Smokefree Air".
58. O-180-2005 An ordinance of the Lafayette City-Parish Council amending and reenacting Chapter 6 "Alcoholic Beverages" of the Lafayette City-Parish Consolidated Government Code of Ordinances to establish revised regulations for the sale, handling, and consumption of alcoholic beverages in the City of Lafayette and the unincorporated areas of the Parish of Lafayette, and enacting Article V "Exotic Dancer Registration", so as to provide regulations relative to exotic dancing and other related matters.
59. O-181-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Code of Ordinances, Chapter 70, "Peddlers, Solicitors, and Door-to-Door Vendors," Article II. "Peddlers, solicitors and Door-to-Door Vendors," Division 2. "Permits," by adding Section 70-66 authorizing certain vendors to operate in the Municipal Parking Lot located on the corner of Jefferson Street and Garfield Street in the City of Lafayette.

(TAPE 4)(SIDE A)(185)AGENDA ITEM NO. 60: Comments from the public concerning the above Introductory Ordinances. *No comments were made.*

Persons signing up in support of Agenda Item 57, Smoke Free Air Ordinance were: Jennifer Burris, Lisa Burns, Amy Fuselier, Phil Lank, Rose Cormier, Lynn Guidry, Amber Cook, Martha Grant and Mitchell Lintzman.

ADJOURN

There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

/s/ Norma A. Dugas

NORMA A. DUGAS, CLERK

LAFAYETTE CITY-PARISH COUNCIL